



Attorney Docket: 225/49093
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*#8/BM
10-23-02*

Applicant: TILMANN HAUG ET AL.
Serial No.: 09/622,123 Group Art Unit: 1731
Filed: NOVEMBER 1, 2000 Examiner: James H. Derrington
Title: METHOD FOR PRODUCING A FIBER COMPOSITE

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

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In response to the Office Action dated July 17, 2002, favorable consideration and allowance are respectfully requested for claims 1-15 and 25 in view of the following remarks.

In the Office Action, claims 1-15 and 25 were rejected under 35 U.S.C. § 112, first paragraph, as not providing enablement for production of a reaction bonded silicon matrix by methods other than by infiltration of molten liquid silicon into a shaped porous body containing carbon; claims 1, 2, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,741,457 ("Iida") in view of U.S. Patent No. 6,086,814 ("Krenkel") or "the prior art discussed at pages 2-3 of the specification"; and claims 3-13 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iida and Krenkel in view of U.S. Patent No. 4,

837,230 ("Chen") and/or "Derwent Acc No. 1989-012429." These rejections are respectfully traversed.

Election With Traverse

Applicants elect, with traverse, Group I, claims 1-15 and 25. It is believed that claims 1-17 and 25 are so linked that they form a single general inventive concept pursuant to PCT Rule § 13.1, because corresponding special technical features regarding the claimed material and claimed process for making the material are recited in both sets of claims, and because these features make a contribution over the prior art.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-15 and 25 were rejected under 35 U.S.C. § 112, ¶ 1, because the specification allegedly "does not reasonably provide enablement for production of a reaction bonded silicon matrix by other methods." Office Action at 3. Although the rejection is somewhat unclear, particularly what is meant by "other methods," it appears that the objection relates to the recitation of "silicon, boron, and nitrogen." Applicants respectfully advance that the substitution of these elements for carbon is enabled at least by the passage found at page 3, lines 5-19, and page 8, lines 23-30, of the Substitution Specification. Accordingly, it is requested that the rejection under 35 U.S.C. § 112, ¶ 1, be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iida in view of Krenkel or the prior art discussed at pages 2-3 of instant specification, and claims 3-13 and 25 were rejected under 35 U.S.C. § 103(a) further in view of Chen and/or "Derwent Acc No. 1989-012429." The claimed invention recites a process for producing a fiber composite material having a carbon, silicon, boron or nitrogen/silicon-based matrix that has a higher stability than that of the prior art. In contrast, Iida discloses a process for producing a brake lining that is bound by organic materials. As such, the Iida patent is located in a different technical field compared to the claimed invention, because Iida discloses a method of making a plastic material that is reinforced with fibers whereas the claimed invention recites a process that for producing a ceramic material that is reinforced with fibers. Moreover, it is unclear why one having ordinary skill would combine Krenkel with Iida as Krenkel is directed to a diverse method compared to Iida. Additionally, Applicants note that claim 3 recites a pyrolyzable binder, which is not disclosed by any of the applied references. Accordingly, withdrawal of the rejection of claims 1-15 and 25 is respectfully requested.

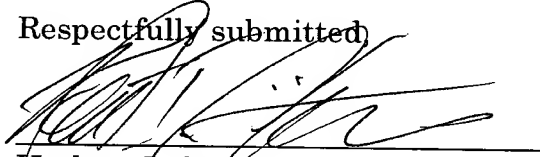
In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response; please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/49093).

October 16, 2002

Respectfully submitted,



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